

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JULLIE A. TORRES, Individually and On §  
Behalf of Others Similarly Situated, §  
§  
Plaintiff, §  
§  
VS. § CIVIL ACTION NO. SA-11-CA-165-FB  
§  
ALAMO HEALTHCARE SYSTEMS OF §  
TEXAS, L.P., ROBERT LOWRY, M.D., and §  
THOMAS D. PARTALAS, Individually and §  
in Their Official Capacities, §  
§  
Defendants. §

**ORDER GRANTING MOTION TO RECONSIDER**

Before the Court is the Motion to Reconsider Order of Dismissal Without Prejudice filed by the plaintiff. On August 15, 2011, the Court dismissed this case for failure to prosecute and/or failure to comply with a court order because the parties failed to file their proposed scheduling order by August 12, 2011, as ordered in the Show Cause Order issued on August 2, 2011. Plaintiff asks the Court to reconsider the dismissal order because the failure to submit proposed scheduling recommendations was due to “a breakdown in communication among counsel.”

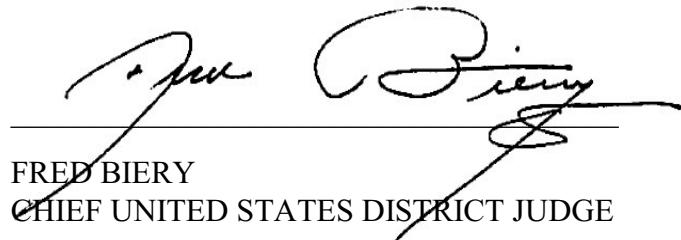
Plaintiff explains a proposed scheduling order was sent by plaintiff’s counsel to counsel for defendants on August 3, 2011, and defendants’ counsel agreed to the proposal on August 12, 2011. Despite the agreement, plaintiff states the “parties inadvertently failed to file this Agreed Scheduling Order” and asks the Court to reinstate the case because the failure to comply with the Show Cause order was “inadvertent and unintentional.” The Court finds the motion has merit and should be granted.

Accordingly, IT IS HEREBY ORDERED that the Motion to Reconsider Order of Dismissal Without Prejudice (docket #12) is GRANTED and this case is REINSTATED on this Court’s

docket. IT IS FURTHER ORDERED that the parties submit proposed scheduling recommendations to the Court on or before January 6, 2012.

It is so ORDERED.

SIGNED this 21st day of December, 2011.

  
FRED BIERY  
CHIEF UNITED STATES DISTRICT JUDGE